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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,613	10/18/2005	Noritaka Kusumoto	MAT-8702US	1982
23122	7590	03/03/2009		
RATNERPRESTIA P.O. BOX 980 VALLEY FORGE, PA 19482			EXAMINER	
			LU'ONG, ALAN H	
			ART UNIT	PAPER NUMBER
			2427	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/553,613

**Applicant(s)**

KUSUMOTO, NORITAKA

**Examiner**

ALAN LUONG

**Art Unit**

2427

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on Jan 09, 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

The Art unit is changed into 2427.

Claim 1 has been amended. Therefore, claims 1-8 are pending in this application.

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on Jan 09, 2009, has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-8** are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,563,515 to Reynolds et al., in view of US 2003/0084450 by Thurston et al., further in view of US Patent 6,501,516 to Clapper

**Regarding to claims 1:** Fig. 3 of Reynolds illustrates a picture receiver [40] comprising:

a program information accumulating unit [44] associates with a storage device [45] configured to accumulate program information about programming available for the picture receiver to receive (i.e. television programming and program guide information) (Reynolds, col. 5 lines 43-46, col. 6 lines 18-24, 32-36 and 51-53)  
Fig. 5a, 5b of Reynolds shows a viewing information obtaining unit [70] associates with set-top box [44] configured to obtain viewing information about programming which the picture receiver has received (col. 7 lines 41-49, 56-67, col. 8 lines 1-7).

However, Reynolds reference is missing "a program recommending unit configured to recommend a program that is available to be received based on the obtained viewing information and the accumulated program information as a recommended program".

In an analogous art directed toward a similar problem namely improving the results from a recommended program on the EPG display. Fig. 1 of Thurston illustrates a program recommending unit (i.e. EPG program) configured to recommend a program (i.e. TV program) that is available to be received by [140] from [110] based on the obtained viewing information and the accumulated program information (i.e. viewing history information) as a recommended program (The Recommended Program Information is based upon the User Profile of the user receiving the Recommended Program Information that contains user identification or characteristic information, along with viewing history information. An Electronic Program Guide (EPG) provides a viewer/user with a list of recommended programs which has been constructed by a Service Provider and downloaded to

the user's set-top box) (**Thurston, Abstract, ¶¶0016-¶0024**). Therefore, it would have been obvious to a person with ordinary skill in the art at the time of the invention was made to modify a picture receiver of Reynolds with a recommended program as taught by Thurston, in order to consider a wider variety of programs that may in fact be of interest. (**Thurston, ¶0009**).

Further, Fig. 6a, 6b of Reynolds shows **a picture displaying unit [48] configured to display the recommended program (i.e. channel 5 on [72]) and an other program (i.e. channel 11 on [80]) simultaneously, (col. 8 lines 23-48), wherein for selecting either the recommended program or the other current channel program by using key 51 on a remote controller [50] of Fig. 3, (Reynolds, col. 6 lines 61-65), (example using swap key 57 of Fig. 4) (Reynolds, col. 7 lines 25-31, col. 8 lines 23-34).**

Neither Reynolds nor Thurston discloses "a remote controller operation guide includes first information and second information about the remote controller the first information indicates a first key of the remote controller; the second information indicates a second key of the remote controller",

In an analogous art directed toward a similar problem namely improving the results from **a remote controller operation guide**. Fig. 2 of Clapper illustrates an image 34 of the remote control unit 22 as **a remote controller operation guide includes first information (i.e. button 23 of remote control unit 22 of Fig. 1) and second information (i.e. select button 27 of remote control unit 22 of Fig. 1) about the remote controller [22]; the first information indicates a first key of the remote controller (the button 23 causing the associated button image 32 on the remote image 34 to be highlighted),**

**the second information indicates a second key of the remote controller** (by pressing the select button 27, a particular highlighted entry may be selected) (remote control image is displayed on display device associated with EPG program [28], by pressing a first button 23 will highlight button 32 on remote control image [34] which associates with icon 39 on EPG program to highlight a TV program as CH 4, user either select CH 4 or browse any channels on EPG program list by pressing button 23 UP or DOWN, pressing button 27 will determine the selecting highlighted channel)(**Clapper, Fig. 1, col. 2 lines 33-45 and Fig. 2 col. 2 line 58 to col. 3 line 15**). Therefore, it would have been obvious to a person with ordinary skill in the art at the time of the invention was made to modify a picture receiver of Reynolds and the recommended program on EPG list of Thurston with **a remote controller operation guide as taught by Clapper in order to** provide input commands using remote control units that facilitates data entry in a low light environment and that further facilitates the entry of more complex text input commands. (**Clapper, col. 1 lines 38-41**)

Finally, return to Fig. 6a and 6b; **said picture display unit [48] further displays the remote controller operation guide [70] simultaneously with the recommended program** (i.e. channel 5 on [72]) **and the other TV program** (i.e. channel 11 on [80]), (**Reynolds, col. 8 lines 23-48**) **when the first key is pressed** (user activates key 58 on remote control 50 of Fig. 4 and highlights CH 5 on EPG program guide [70]), **the recommended program** (i.e. CH 5 from Fig. 6b) **is displayed** in full screen on window [72] as shown in Fig. 8 **and the**

**other program** (CH 11 on window [80] of Fig. 6b) **is not displayed** on Fig. 8)

**(Reynolds, col. 12 lines 23-29 and 37-40) and**

**when the second key is pressed** (user activates swap key 57 on remote control 50 of Fig. 4), **the other program** (CH 11 on window [80] of Fig. 6b) **is displayed and the recommended program** (i.e. CH 5 on window [72] of Fig. 6b) **is not displayed** (Reynolds, col. 10 line 67 to col. 11 line 10).

**Regarding to claims 2:** The picture receiver of claim 1, Thurston teaches (the program recommendation information being adapted to be converted and displayed via an EPG, and the program recommendation information at least including one program recommendation based upon a user's profile and at least one user profile of another user having predefined similarities in at least one user characteristic). (Thurston, ¶0011, ¶0012, ¶0025) meets limitation of **wherein the program recommending means judges whether or not the recommended program matches the other program**,

Fig. 7 of Reynolds illustrates **the picture displaying means [48] executes a two-picture display wherein the recommended program CH 5 on window [72] and the other program ("Deep Space 9" are displayed CH 14 on window [80] simultaneously only when the program recommending means does not match judges that the recommended program** (current channel 77: CH 5) **does not match the other program "Deep Space 9" (Reynolds, col. 8 lines 49-col. 9 line 13).**

**Regarding to claims 3:** The picture receiver of claim 1, Fig. 6b of Reynolds illustrates **wherein the picture displaying means [48] shifts a mode of display of 2 window**

pictures [72] and [80] respectively **to a one-picture display** of window [72] as shown in Fig. 8, **in accordance with input information from the remote controller** [50] (i.e. using Swap key 57 in order to swap 2 programs on displayed windows [72] and [80])  
**(Reynolds, col. 10 lines 56-col. 11 line 10)**

**Regarding to claim 4:** a program recommending method, merely repeats the same limitations of claim 1; therefore, claim 4 is rejected on the same ground as claim 1 and is anticipated by Reynolds, Thurston and Clapper.

**Regarding to claim 5:** a program recommending method of claim 4, claim 5 merely repeats the same limitations of claim 2, claim 5 is anticipated by Reynolds, Thurston and Clapper, (see claim 2 rejection for detail)

**Regarding to claim 6:** a program recommending method of claim 4, claim 6 merely repeats limitation of claim 3, claim 6 is anticipated by Reynolds, Thurston and Clapper. (see claim 3 rejection for detail)

**Regarding to claim 7:** The picture receiver of claim 2, merely repeats the limitation of claim 3, claim 3 is anticipated by Reynolds, Thurston and Clapper; (see claim 3 rejection for detail).

**Regarding to claim 8:** A program recommending method of claim 5, claim 8 merely repeats limitation of claim 3, claim 3 is anticipated by Reynolds, Thurston and Clapper, (see claim 3 rejection for detail)

### ***Response to Arguments***



Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALAN LUONG whose telephone number is (571)270-5091. The examiner can normally be reached on Mon.-Thurs., 8:00am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ALAN LUONG/  
Examiner, Art Unit 2427  
Feb 23, 2009

/Scott Beliveau/

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Supervisory Patent Examiner, Art Unit 2427